



[AP32438 - 070121.0425]
PATENT

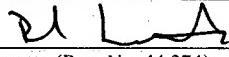
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Thomas A. SHREINER et al.
Appln. Serial No. : 09/593,785
Filed : June 14, 2000
Entitled : EXPANSION JOINT COVER WITH MODULAR CENTER PLATE
Group Art Unit : 3635
Examiner : Chi Q. Nguyen

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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December 16, 2004



David Loretto (Reg. No. 44,374)

RESPONSE TO NOVEMBER 16, 2004 AND NOVEMBER 30, 2004,

OFFICE COMMUNICATIONS

Sir:

The enclosed Amended Appeal Brief and Amendment After Final were prepared in response to the Office communication mailed on November 16, 2004, which rejected the Amendment After Final submitted by Applicants on July 29, 2004, and a telephone communication with Examiner Nguyen on November 30, 2004, directed to the Amendedment After Final and the Appeal Brief submitted on July 29, 2004.

After these papers were prepared for filing, Applicants received the Office communication dated November 30, 2004, directed to the Appeal Brief. As set forth below, Applicants submit that the revised Amendment After Final and Amended Appeal Brief are responsive to the Office communication mailed on November 30, 2004.

AMENDMENT AFTER FINAL

In the November 16, 2004, Office communication, the Examiner declined to enter the proposed Amendment After Final on the grounds that it raised issues that would require further consideration and/or search and presented new claims without canceling a corresponding number of finally rejected claims. The Examiner further noted that the amendment was non-responsive because each claim had not been provided with the proper status identifier.

On November 30, 2004, the Examiner notified Applicants, by telephone, that they should submit a revised Amendment After Final, with new claims 21-26 omitted and the status of all claims properly identified. Applicants then prepared the enclosed revised Amendment After Final.

Applicants submit that, since the Office communication mailed on November 30, 2004, addresses solely the Amended Appeal Brief, the enclosed Amendment After Final--prepared in light of the November 16, 2004, Office communication, and the November 30, 2004, telephone conversation with Examiner Nguyen--is fully responsive to the November 30, 2004, Office communication.

AMENDED APPEAL BRIEF

During the November 30, 2004, telephone conversation, the Examiner notified Applicants that the Appeal Brief was non-compliant, since it improperly referenced new claims 21-26, which had not been entered. The Examiner further explained that the statement in the Appellate Brief regarding the separate patentability of Groups I-III, as required under 1.192(c)(7), was deficient. The Examiner suggested submission of a revised and compliant Appellate Brief, with all references to claims 21-26 excised and including a compliant statement of separate patentability, as appropriate. Applicants then prepared the enclosed Amended Appellate Brief.

As noted, the Office communication mailed November 30, 2004, was received by Applicants after the Amended Appeal Brief had been prepared. The November 30, 2004, Office communication indicates that the Appellate Brief mailed July 29, 2004, was not acceptable because “the applicant does not identify which group of claims stand or fall together,” an issue that had been raised by the Examiner, by telephone, on November 30, 2004. Applicant respectfully submits that, since the Amended Appeal Brief was revised to contain only one group of claims, no statement or argument for separate patentability is required, pursuant to 35 C.F.R. § 1.192(c)(7), and such statement has been omitted.

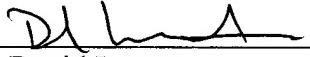
Accordingly, Applicants submit that the Amended Appeal Brief is fully responsive to the Office communication mailed on November 30, 2004.

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Applicants wish to express their thanks to the Examiner for identifying the non-compliant features of the Appellate Brief and Amendment After Final submitted on July 29, 2004, and for providing Applicants with an opportunity to submit the enclosed Amended Appeal Brief and revised Amendment After Final.

Respectfully submitted,

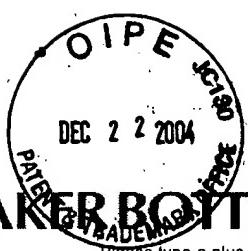
Dated: December 16, 2004

By: 
David Loretto
Reg. No. 44,374, for;

Gary M. Butter
Reg. No. 33,841

Attorneys for Applicant(s)

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BAKER BOOTS LLP

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/593,785
		Filing Date	June 14, 2000
		First Named Inventor	Shreiner et al.
		Group Art Unit	3635
		Examiner Name	Chi Q. Nguyen
Total Number of Pages in This Submission		Attorney Docket Number	AP32438 070121.0425

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Response to 11/16/04 and 11/30/04 office communications 2. Amended Appeal Brief. 3. Amendment after Final OA
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	Att Name: David Loretto PTO Reg: 44,374
Date	December 16, 2004

CERTIFICATE OF MAILING

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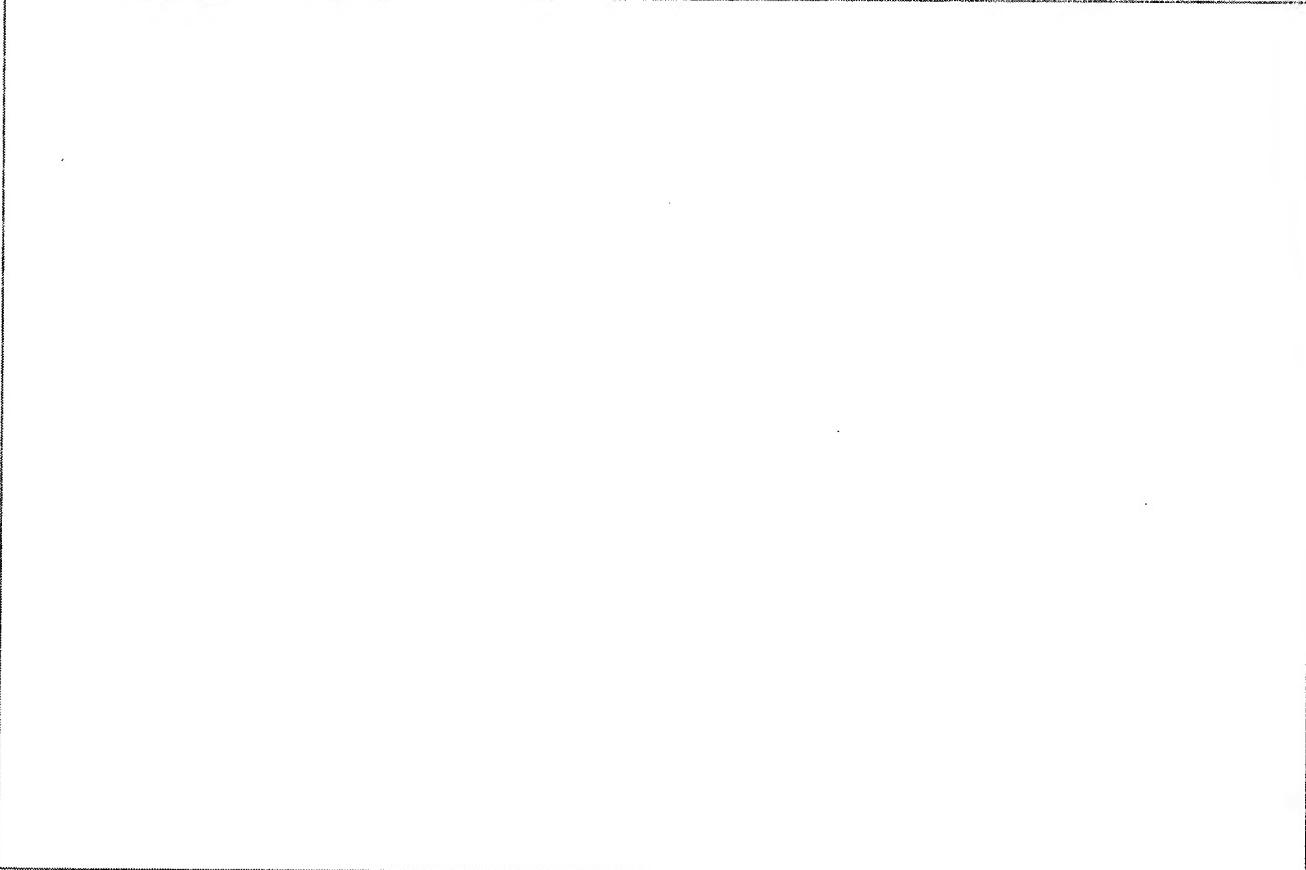
Typed or printed name	David Loretto
Signature	
Date December 16, 2004	

BAKER BOTTS LLP

Attorney Docket Number: AP32438 070121.0425

Title: EXPANSION JOINT COVER WITH MODULAR CENTER PLATE

Use Space Below for Additional Information:



BAKER BOTTS LLP

DEC 22 2004

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$0)

Complete if Known

Application Number	09/593,785
Filing Date	June 14, 2000
First Named Inventor	Shreiner et al.
Examiner Name	Chi Q. Nguyen
Art Unit	3635
Attorney Docket No.	AP32438 070121.0425

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
Deposit Account Name

02-4377

Baker Botts LLP

The Commissioner is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee required under 37CFR 1.16 and 1.17
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$0)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20 = 0	X 0 = 0	
Multiple Dependent	- 3 = 0	X 0 = 0	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

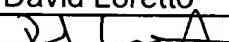
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0)

(Complete if applicable)

Name (Print/Type)	David Loretto	Registration No. (Attorney/Agent)	44,374	Telephone 212.408.2584
Signature			Date	December 16, 2004